IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 571 of 2006
in
Writ Petition No. 5133 of 1998.

B.P.D.Pai ..Applicant

vs.

1.Syndicate Bank and
others ..Respondents

Shri Ramesh Ramamurthy for applicant
Shri Prakash U.Shinde i/b M/s M.Dhruva and Co. for respondent no.1.

CORAM: S.B.MHASE &
S.R.DONGAONKAR. JJ.
28th February, 2006

P.C.

1. In this civil application Shri Shinde appears for respondent no.1. Respondent Nos. 2 to 4 are Deputy General Manager (P), General Manager (Personnel) and Chairman and Managing Director of Syndicate Bank. In fact, when the Bank is represented it covers all its officers. Under these circumstances, learned counsel should have waived the service for respondent nos. 2, 3 and 4 but surprisingly for the best possible reasons known to him he is not accepting and waiving the service for respondent nos.2, 3 and 4. Under these circumstances, learned counsel for the applicant submits that respondent nos. 2, 3 and 4 be deleted since they are properly

represented through respondent no.1. Leave to delete respondent nos.2, 3 and 4 is granted.

2. In view of deletion of respondent nos. 2, 3 and 4 all the parties are before this Court.

3. The present civil application is taken out to set aside the order dated 8th December, 2005 by which the petition was dismissed for default. Learned counsel submits that he could not remain present since the advocate's father was admitted in Bombay Hospital for surgery and on that day he was in ICU of the said hospital. In fact, when such a cause is placed on record, the respondents' learned counsel ought not to have objected and it is the common practice of this court that when there is a difficulty in the colleagues' family and especially on account of illness adjournments are not objected but surprisingly in the present matter the learned counsel for respondents has objected for restoration of the petition. We find that cause given is a sufficient cause and objection is without any substance. The petition is, therefore, restored to file.

4. Civil Application is allowed in terms of

prayer clause (a).

(S.R.DONGAONKAR J.) **(S.B.MHASE J.)**